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the approval of the Emperor and the Bundesrat. The territory was represented in the Reichstag but not in the Bundesrat. The administration was in the hands of the Emperor's representative and appointee, the Statthalter, and the service was recruited from Germans entirely. The constitution of 1911 gives the territory a diet of two houses, removes its legislation from the veto of the Bundesrat, and gives it three representatives in that body. The author shows that the change is hardly more than a formal one. He notes, among other things, that the upper house is practically controlled by the Emperor, the Statthalter remains with his German bureaucracy, and he selects the representatives in the Bundesrat.

Along the second line noted, the author shows the strong particularistic feeling of the Alsacians. He sympathizes so keenly with them, and sees such difficulty in their ever securing autonomy from the Empire that he feels that France must look forward to another war if the tyranny is to be put an end to. The causes of the reluctance to grant autonomy are, roughly, that it would disturb the equilibrium in the Bundesrat, that it would introduce into the Empire the alien doctrine of popular sovereignty, and that it would favor the French attachment of the territory.

W. B. HUNTING.

Penal Philosophy. By GABRIEL TARDE. Translated by Rapelje Howell, editorial preface by Edward Lindsey, and an introduction by Robert H. Gault. (Boston: Little, Brown and Company, 1912. Pp. xxxii, 581.)

This volume of the Modern Criminal Science Series published under the auspices of the American Institute of Criminal Law and Criminology is a work of great interest and value. The author Gabriel Tarde is recognized as an original thinker in three separate fields of knowledge—psychology, sociology and criminology and has pursued successfully the careers of magistrate, statistician and professor of political science, which is an achievement rarely to be recorded.

This book is an examination of ideas put in circulation and brought into favor, during the last few years, by the school of criminal anthropology, and is just as much or more of a setting forth of personal views. The theories developed by Professor Tarde deal with three different matters. In the first place there is an attempt to reconcile moral responsibility with determinism, the human conscience with science,

which the conception of free will seemed to have separated with an insurmountable gulf, and there is also, and especially, an explanation of the criminal side of societies, in conformity with a general point of view which is applied in another work (*Les lois de l'Imitation*, 1 vol., 8 vo., Feliz Alcan, Publisher, 1890) with the various aspects of social life. Finally, there is a pointing out of some legislative and penitentiary reforms which are the practical conclusions of these theoretical conclusions.

Professor Tarde throughout this work maintains a sufficient balance between conservatism and progressivism to commend him to those who believe that in criminology (including penology) we are in our generation trying a great many experiments: That in many respects we are much wiser than our fathers; that in many other respects we do not know yet how much, if at all wiser we may be than they, for as Mr. Gault says: "The event of experimentation will prove." Which of the various principles and methods will prove best adapted to help our problems can only be told after our workers have tested them in our own experience.

Professor Tarde in his chapter on "The Theory of Responsibility" holds that responsibility made to depend on free will adjudged to be in actual existence is ruined at its very base by the progress of scientific determinism; responsibility made to depend on free will looked upon as an ideal to be realized is nothing more than an illusion, and responsibility based on social utility to the exclusion of everything else has nothing in common with responsibility. He says: "I think that penalties, even though imperfectly applied as they are, render a service to society. But, in order that they shall render it a still greater service, in what direction ought they to be reformed? This problem is being studied now more than ever. It seems to me that, without any very elaborate preparation, we should be in a position to solve the problem."

In his chapter on "The Death Penalty," he says: "The death penalty, is repugnant to me; it has a repugnance for me which I cannot overcome. I have for a long time tried to overcome this feeling of horror, but I have not been able to do so. If all those who refuse to admit the arguments of the partisans of the scaffold will be sincere with themselves, they will likewise recognize that the chief objection is their disgust."

JOHN EDWARD OSTER.